

The Lexington Intelligencer.

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LEXINGTON, LAFAYETTE COUNTY, MISSOURI, SATURDAY, AUGUST 6, 1904.

No 32

Council Meeting.

The council met in adjourned session Thursday night to consider the issuance of the tax bills for the paving of South street. The ordinance was read the third time and put upon its final passage. Before the vote was taken William Aull read a legal opinion which the council had asked him to prepare upon the question of the liability of the city for a general judgment for the refusal of the city council to issue tax bills, in case the contractor sustained his contention of compliance with contract.

The opinion fortified by numerous citations was in substance as follows: That where the contract provides that the city shall not be liable for any part of the cost of improvements, contractor cannot recover because of any failure of property to bring the amount of taxes assessed against it, unless it can be shown that the city had no power to make such assessment; that one line of decisions holds that a general judgment cannot be rendered against a city where it fails to discharge its duty of making or collecting assessments, if it has no means of reimbursing itself, on the ground that all the taxpayers should not be taxed for the failure of the city authorities to do their duty when the contractor has a remedy by mandamus; but the weight of authority is that the city is liable, if it fails of its duty to issue the special tax bills.

In conclusion then Mr. Aull gave it as his opinion that "in the event the city declines to issue the special tax bills, the contractor has the right to sue the city, and, if he proves compliance with his contract to recover a general judgment against the city; but, 'should the city show non compliance by the contractor, it could defeat the action unless the work and material be considered accepted by the city by some action of the city in connection therewith; and that 'in the event of the city assumes the burden of showing non-compliance and declines to issue the special tax bills, the liens on the individual properties are lost'."

Judge William Young then addressed the council taking issue with Mr. Aull upon the liability of the city. He said that the Trenton case cited by Mr. Aull and all the Missouri cases which he had examined differed from the one in hand in that the contention was not over specific performance of contract on the part of plaintiffs but upon the legality of the ordinances in other respects. He argued that so long as the contractor had an appropriate remedy by mandamus proceedings, the court would not entertain an action against the city or grant a general judgment against it. He held that if the council issued the tax bills and the property owners refused to pay and sustained their refusal in court on the ground of non-compliance, the city might then be liable, and the council would then be morally, if not legally, estopped from pleading failure to comply with contract, having admitted specific performance by the issuance of the tax bills. He said that as a matter of common knowledge the contractor had not complied with his contract in any respect but two and that he believed it to be the duty of the council under its oath of office to refuse to issue the tax bills whether the city would be liable or not.

E. M. Taubman was called upon and spoke briefly in similar vein as to the duty of the council in the matter.

Councilman Yingling asked for the report of the inspector and of the city engineer. He said that he did not believe that the work had been done according to contract and that he would vote against the issuance of the tax bills.

Several members of the council, Walk, Schawe, Aull and Venable spoke briefly and in substance as follows: That the work had been done under the supervision of the city engineer and the inspector, who had watched the relaying of the street in accordance with the recommendations of the experts employed to pass upon the work and whose report had been adopted by the council; that the opinion of counsel employed for the purpose was to the effect that the

city would be liable for the non-issuance of the tax bills, that belong one of the articles of the contract; and that it was the duty of the council under the circumstances to issue the tax bills and have the property owners to raise the question of failure to comply with contract. The vote on the ordinance was as follows: Yes—Aull, Mallott, Meyer, Schawe, Shinn, Walk, Venable; no—Yingling.

The five year maintenance bond of S. A. Drake & Co., wherein S. A. Drake and G. R. Brindle were principals and the National Surety Company and P. O. Drake sureties, was read and approved by a unanimous vote.

The ordinance for the issuance of tax bills in the case of Thirteenth street was read three times and put upon its final passage. All the councilmen voted for the ordinance.

Robert Anderson.

The following sketch of Robert Anderson was written by his brother-in-law, H. H. Graiz, and published last week in the Lexington (Ky.) Gazette:

Died, at his farm on Davis Creek, Lafayette county, Mo., near Lexington, on the 11th of July, as the result of an accident, Mr. Robert Anderson, son of the late Col. Oliver Anderson, who was at one time a much respected citizen of this city and a senator in the legislature of Kentucky from Fayette county. Mr. Anderson was seventy-one years of age, and was born in Jessamine county, Ky., but spent the most of his life in the west, principally in Missouri and Idaho. He was a pioneer in Idaho Territory, and in conjunction with his brother-in-law, Mr. J. M. Taylor, established a trading post at what is now the important town of Idaho Falls, and built the first bridge over Snake River, the head waters of the Columbia River. Mr. Anderson developed into a good business man, and what was more important to his success, he inspired every one with whom he came in contact, with perfect confidence in his integrity and personal honor, and this established for him a credit that stood him unflinchingly in times of commercial disaster. Before he was ten years of age he had an attack of hip-joint disease that condemned him for the remainder of his life to crutches, which did not impair his energy or usefulness. The last pair of these useful and friendly assistants were reverently laid beside him in his coffin. His success in business enabled him to render timely aid to almost every member of his family, and no brother was ever cherished with more sincere affection than was he. His long and severe illness rendered him the object of the tenderest solicitude and attention from his whole family, and he repaid them in after life many fold for all they had done for him. He married late in life Mrs. Alice Garrard, nee Jones, the beautiful sister of the late Lawrence Jones, the popular and efficient commonwealth's attorney for this district, who devoted more than twenty years of her life to his interest and happiness and often lived in congenial surroundings at a distance from her friends and relatives to be with him. A recent visit to their beautiful home in Missouri enabled us to see and know the love and devotion she bestowed on him.

Mr. Anderson was a man of singular courage and self-possession, and often lived in the Rocky Mountains for months a hundred miles from his nearest neighbor, surrounded by Indians and the roughest characters of the plains without fear or any personal apprehension. He was a most forcible and agreeable writer and often contributed, anonymously, some of the ablest articles to the Kentucky Gazette during the years 1870 to 1875. During an intimacy of more than fifty years we were enabled to know Mr. Anderson thoroughly and well and we never knew a better or more reliable man. In every relation of life he was as perfect as it was ever given man to be, and this is the testimony of all who enjoyed his acquaintance, and the more intimate the acquaintance, the more sincerely they esteemed and admired him.

State and County Revenues.

The county court very properly complimented County Clerk Frank Thornton upon his promptness in getting ready the assessors books, which were examined by the court at its session this week and turned over to the collector. These books require several months work in turn by the assessor, the county clerk and the collector, and any delay at any point along the line is a matter of serious inconvenience to those who follow and to the public generally. Mr. Marquis' work was completed a month earlier than usual and now that Captain Thornton's work is finished, the collector can proceed with the tax bills and receipts, so that the usual grand rush at the end of the year will be unnecessary.

These books contain some interesting statistics. The valuation under the following heads is as follows:

Personal property	\$3,155,585
Town lots	1,541,510
Farm lands	5,385,005
The state and county revenue derived from these sources is as follows:	
Personalty	\$54,819.45
Town lots	35,168.50
Farm lands	86,385.20
Total	\$173,371.85

This sum is exclusive of saloon licenses, merchants' licenses, pool and billiards licenses as well as railroad and telephone and telephone taxes, which last year were as follows:

Saloon	\$22,682.15
Billiards and pool	420.00
Peddler	98.00
Merchants	7,027.60
Total	\$31,227.75

The corporation taxes were as follows:

Railroad	\$21,294.12
Telephone	463.78
Telephone	370.89
Total	\$22,128.67

Grouping these so that they may be more readily compared it will be seen that the state and county revenue derived from the three foregoing sources are as follows:

Direct tax on real and personal property for county and state purposes	\$173,371.85
Public corporation taxes for same purposes	22,128.77
License taxes for county purposes	31,227.75
The real estate and personality taxes are divided to the several purposes as follows:	
State	\$17,160.50
County	75,720.15
Dist. road	3,936.35
Special road	10,171.90
School	49,170.70
Lex. twp. bonds	8,650.00
Wash. twp. bonds	5,449.20
Shi. twp. bonds	3,113.05

These statistics ought to be interesting not only to every taxpayer in the county but every other person who cares to know the relative cost to the people of the several objects upon which public money is expended.

The County Fair.

The county fair this week has far surpassed in attendance and interest every previous experience. The people who have it in charge ought now to be encouraged to devote greater effort to bring the agricultural features of the fair and the stock show features to a level of the racing events. A little more money and a little more effort spent in that direction would add enormously to the value of the fair and to the interest and participation of hundreds of the county's best citizens. The fair seems to be on a safe financial footing now and the time is ripe for this advance.

The INTELLIGENCER hopes to publish a detailed account of the events next week.

Robert Womack, Jr., of Liberty, was accidentally shot and seriously wounded by his brother, Norton Womack. These young men are sons of Robert Womack, who formerly worked on the INTELLIGENCER.

Died, of typhoid fever, at his home south of Odessa, July 27, 1904, Ichabod Campbell, aged 21 years. He was a son of Mr. and Mrs. James Campbell.

Miss Vera Findley, of Kansas City, is the guest of Miss Nancy Vivion.

County Court Proceedings.

The county court was in session August 1, 2 and 3, all the officers being present.

The maps of the projected Missouri Central Electric railroad through the county were filed, and permission was granted for the crossing of county roads, as provided for by law.

The county tax books were examined and found correct and turned over to the collector.

In the matter of the petition of Albert Bishop for a new road in 36-48 27 and the remonstrance against the same, the remonstrance was overruled and the road commissioner was ordered to survey the road when the probable damage of \$200 had been placed in the treasury.

In the matter of petition of H. H. White et al for new road in Lexington township, it was ordered to be surveyed and opened at expense of petitioners.

Petition for a new road by John Stockman et al in 23-49-24 was granted, survey ordered and road ordered opened at expense of petitioners.

Petition for new road by James H. White et al in 14 and 23-48-25 was granted and road ordered opened at expense of petitioners.

Petition for a new road by S. P. Basie et al in 26-48-27 was granted and road ordered opened at expense of petitioners.

Petition for new road by Christ Eckhoff et al in 22-49-24 was granted and road ordered opened at expense of petitioners.

Roads petitioned for by Jas. E. Hannah et al in 14-29-48, Adolph Battien et al in 31-49-28 and Geo. Richter et al in 13-48-29, were continued to September term.

Petition for vacation of road in 24-48-29 by A. G. Phillips et al, continued to September term.

Case Phillips was adjudged insane and committed to asylum number 3 at Nevada.

Three thousand four hundred and six dollars from the road and bridge fund was distributed to the forty-seven road districts according to their several assessed valuations. This is the second annual distribution from this fund to the districts.

Road and bridge commissioner B. D. Weedin was ordered to view bridge 3 miles east of Higginsville, near the farm of John Neill in Davis township.

Wall on Bryan.

Edward C. Wall, Wisconsin's favorite son in the presidential nomination contest, has recently had Mr. Bryan as his guest, and has given out the following statement to the press:

"Mr. Bryan is a democrat, and never will be anything else. While differing on some questions from delegates to the convention, he realizes that those questions were ruled upon, and has accepted the decision. He is satisfied with the platform adopted, and thinks all circumstances considered, the platform is for the best interests of the party at large. I will not attempt to say that he has abandoned any of the principles he advocated in his campaign, but he thinks, that if he was right, he will eventually be vindicated. That, however, will not turn him from what he believes to be the duty of every democrat to support loyally the platform and the ticket of the party."

Mr. Wall added that Mr. Bryan would support Parker personally. Mr. Wall and Mr. Bryan have been personal friends for many years.

Market Letter.

Kansas City, Mo., Wednesday, Aug. 3, 1904.—Too many cattle have been marketed past week for the conditions, and lower prices are the result. Lower prices are always expected about this time anyway, and the losses lately are not greater than usual at this season. More stockers and feeders have been included this week, relieving the killing cattle market some, but all kinds are 25 cents to 50 cents lower than a week ago, except choice dry lot cattle. A few shipments sold at \$5.90 to \$6.10 today, and such were strong to ten cents better than any day recently, but the bulk of cattle were weak today. A good many thin fleshed grass steers are coming, and it looks like these could be taken out to pasture with a

good chance for profit at present prices, \$3.50 to \$4.25. Stock cattle are bringing \$2.25 to \$4.00, somewhat lower than a week ago, and the break that has been expected on country kinds of cattle is now taking place. Best dry lot cows and heifers still sell at \$3.75 to \$5.15, but medium and common ones are weak at \$1.75 to \$3.25. Packers are not yet in position to handle canners, but expect to soon. Total number of men now employed at the plants is possibly as great as before the strike, but they are not able to turn out as much work, account of inexperience. Commission men seem to think, though, it is just as well to let the stuff come along, if it is any hardship to hold it back. There is no reason why good cattle should not continue to sell well, and it will pay to make them good if possible.

Hog market made a small recovery today, early, but closed with the advance mostly lost. Pigs now bring best money and heavy weights least. Heavy hogs sold at \$5.00 to \$5.15 today, light hogs up to \$5.25, and pigs at \$5.25 to \$5.30. Packers can now kill as many hogs as any time, and it is safe to ship at any time. No very great change in price is looked for soon.

J. A. RICKART,
L. S. Correspondent.

The Issues of the Campaign.

The following characterization of the issues of the campaign by E. G. Newman is about as accurate as could be made:

"But the campaign of 1904 will resemble that of twelve years ago in nothing so much as the paramount issue, which is the excessive protection of the present tariff law, much of which was incorporated in the Dingley bill for no other purpose than to induce foreign countries to accept the idea of reciprocity as expounded and advocated by the late James G. Blaine. The republican party, having disavowed and repudiated Mr. Blaine's idea, yet holds the excessive protection for which that idea was the excuse. There is your issue—shall the government be the junior partner in the taxing business? Shall the firm continue to be styled, 'Steel Trust, United States & Co., Monopolists and Taxers, Pittsburgh and Washington?' The stand-patters have the affirmative. To state it another way—shall farm utensils and farm machinery be sold abroad by American manufacturers cheaper than they are sold at home to the end that farmers growing wheat in Canada may have an advantage of the farmer growing wheat in the United States? Shall the steel trust sell a Canada road steel rails at \$21 a ton and charge our own roads \$28 a ton? Shall American steel be sold foreign shipbuilders at \$24 a ton and our domestic shipbuilders be required to pay \$32 a ton for the same kind of material?"

"The republican answer to that last proposition is that money shall be voted out of the public treasury and given as a subsidy to the American shipbuilders in order that he may, without loss, contribute the excessive protection of \$8 a ton to the steel trusts. These are some of the phases of the paramount issue of 1904."

Frauds at the Stock Yards.

Six cattle speculators at the Kansas City stock yards were expelled from membership in the Kansas City Traders' exchange at a meeting of that organization Monday afternoon. They were charged with "unbusiness-like conduct" in conspiring with three former weighmasters of stock yards company for the purpose of defrauding country live stock buyers and shippers, and live stock commission men at the stock yards. It is that the men when found out were asked to surrender their membership cards. Refusing to do this their trial followed, resulting in their expulsion Monday. The end of the investigation is not yet, and when it is all over the committee having the matter in charge have promised to make a statement to the press.

The list of six names, given Thursday over the signature of E. S. Downs, president of the traders' live stock exchange, follows: Henry Nichols, H. R. Bowen, S. B. Floyd, J. J. Miller, C. F. Vann, W. P. Harris.

Miss Mary Blackwell returned from St. Louis Tuesday evening.

Improvements of a Year.

The amount of the improvements public and private, completed recently or now going on in Lexington is very much greater than one would think without carefully going over the subject with pencil and paper. The list given below is probably far from complete, but is sufficiently accurate to be of interest.

Of the private residences completed within the past year or now in process of erection, those of the following are to be estimated at from \$8,000 to \$12,000: William Aull, John Welborn, V. J. C. Bour, Dr. Fredendall. Those of the following are to be estimated at from \$4,000 to \$8,000: James C. McGrew, Jr., T. W. Slusher, Miss Tillie Hollis, John Gordon, John T. Bush, W. Z. Mitchell. Those of the following are from \$2,000 to \$4,000: Wm. H. Loomis, Mrs. Ramey, August Egle, Fred T. Hix, 3 of Mrs. Evan Young, William Graham, Mrs. E. Meng, A. G. Young, Miss Nannie Gordon, Judge James P. Chinn, August Lepper, Miss Bird Slusher. To these are to be added 65 miners cottages at \$250 each; 15 rental cottages at \$1,000 each; 10 at \$600 each and 20 at from \$400 to \$500 each.

The business property erected within the year consists of the McGrew stores at \$12,000, the Taubman stores at \$8,000; and to these may be added such substantial improvements as those on the laundry building, \$4,000; the Baptist church \$5,000; the opera house \$5,000; the Nickell hotel \$2,000. This list is certainly not complete, but the footing of the improvements here counted cannot be less than \$180,000 to \$200,000.

Of the public improvements the larger items are as follows: 10,820 square yards of vitrified brick paving on South street, \$19,294.72; 10,376.74 square yards paving on West Main street, \$18,470.59; 3,417.62 yards paving on 13th street, \$6,083.72; 5,020 yards of paving on East Main street, about \$9,000, making in all twenty-two blocks. The cost of new curbing already put in is about \$7,000. The cost of granite sidewalks, public and private, already laid is \$5,000, to which is to be added at least \$2,500 worth under contract and immediately to be done. The improvements to the waterworks, including the extension of mains, etc., and the gas and electric plants, and the fitting up of the Lexington Flouring Mills ought to be added to the above improvements, and these three aggregate more than \$100,000. The Electric and Gas Company improvements are in detail as follows: Extraordinary repairs on gas plant, \$3,000; new mains laid and to be laid \$8,000; new boilers and setting for electric plant, \$5,000; transformers, \$3,000; meters, \$4,000; wire and poles for work done or in process, \$5,000; engine and dynamo contracted for, \$10,000. The improvements on the waterworks plant, including nearly a mile of intake pipe to the river; enlargement of pump house; new brick smoke stack; extension of mains; new hydrants, etc., cost considerably more than the purchase price of the plant.

Letter List.

The following letters remain uncalled for at the postoffice, at Lexington, Mo. Aug. 5, 1904:

Bruce, Cammie Miss; Bell, Viola Miss; Chrisman, Lillie Miss; Holmes, H. W.; Nichols, W. V.; Nuel, Willie; Reer, Carrie Mrs.; Slaughter, O. Mrs.; Warren, Maude Mrs.

When calling for these please say they were advertised.

JAMES M. CROWDER, P. M.

Death of Rev. Samuel Givens.

Rev. Samuel Givens, pastor of the Cumberland Presbyterian church at Holden, Mo., died in that city July 27, aged 73 years. Rev. Givens was well known in this county where he has preached in various places. He had been pastor of the Holden church for nearly fifty years.

Discharged.

Loren Menaugh was released from jail Thursday. Ennis Simmons, who was shot through the breast by Menaugh, continues to improve and signed a statement to the effect that the shooting was accidental.